

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

John K. Fort, Trustee,

Plaintiff,

vs.

Aaron Kibbey, individually and as  
Chief Restructuring Officer of  
Oaktree Medical Centre, PC;  
Timothy Daileader, individually and as  
Independent Director of Oaktree  
Medical Centre, PC; Huron Consulting  
Services LLC a/k/a Huron Consulting  
Group; Mark Freedlander; David Pivnick;  
McGuireWoods LLP ,

Defendant.

Oaktree Medical Centre PC, in re

Debtor,

Civil Action No. 6:23-cv-2928-DCC

**ORDER OF DISMISSAL**

The Court having been advised by counsel for the parties that the above action has been settled,

IT IS ORDERED that this action is hereby dismissed without costs and without prejudice. If settlement is not consummated within ninety (90) days, either party may petition the Court to reopen this action and restore it to the calendar. Rule 60(b)(6), F.R.Civ.P. In the alternative, to the extent permitted by law, either party may within ninety (90) days petition the Court to enforce the settlement. Fairfax Countywide Citizens v. Fairfax County, 571 F.2d 1299 (4th Cir. 1978). By agreement of the parties, the court retains jurisdiction to enforce the settlement agreement. Kokkonen v. Guardian Life Ins. Co., 511 U.S. 375, 381-82 (1994).

The dismissal hereunder shall be with prejudice if no action is taken under either alternative within ninety (90) days from the filing date of this order.

IT IS SO ORDERED.

s/Donald C. Coggins, Jr.  
Donald C. Coggins, Jr.  
United States District Judge

December 20, 2023

Spartanburg, South Carolina